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Agenda item 147

CONVENTION ON JURISDICTIONAL IMMUNITIES OF STATES AND THEIR PROPERTY

Draft decision proposed by the Chairman of the Working Group established under General Assembly resolution 46/55 and reconvened under General Assembly decision 47/414

The General Assembly

(a) Takes note of the report of the Working Group 1/ established under General Assembly resolution 46/55 of 9 December 1991 and reconvened under General Assembly decision 47/414 of 25 November 1992 to consider:

(i) Issues of substance arising out of the draft articles on jurisdictional immunities of States and their property, adopted by the International Law Commission at its forty-third session; 2/

(ii) The question of the convening of an international conference to be held in 1994 or subsequently, to conclude a convention on jurisdictional immunities of States and their property;

(b) Decides that consultations shall be held in the framework of the Sixth Committee at its forty-ninth session during one week at the beginning of the next session, from 26 to 30 September 1994, to continue consideration of the substantive issues regarding which the identification and attenuation of differences is desirable in order to facilitate the successful conclusion of a convention through general agreement;

1/ A/C.6/48/L.4.

2/ Official Records of the General Assembly, Forty-sixth Session, Supplement No. 10 (A/46/10), chap. II, sect. D.

(c) Also decides that, at its forty-ninth session, in the light of the progress thus far achieved and of the results of the consultations mentioned above, it will give full consideration to the recommendation of the International Law Commission that an international conference of plenipotentiaries be convened to examine the articles on the jurisdictional immunities of States and their property and to conclude a convention on the subject; 3/

(d) Further decides to include in the provisional agenda of its forty-ninth session the item entitled "Convention on jurisdictional immunities of States and their property".

3/ Ibid., sect. B, para. 25.

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REPORT OF THE UNITED NATIONS COMMISSION ON INTERNATIONAL TRADE LAW ON THE WORK OF ITS TWENTY-SIXTH SESSION

Argentina, Australia, Austria, Azerbaijan, Belarus, Brazil, Bulgaria, Canada, Cyprus, Czech Republic, Denmark, Finland, France, Greece, Italy, Kyrgyzstan, Morocco, Myanmar, Norway, Poland, Russian Federation, Singapore, Sweden, Thailand, Turkey, Ukraine and Venezuela: draft resolution

Report of the United Nations Commission on International Trade Law on the work of its twenty-sixth session

The General Assembly,

Recalling its resolution 2205 (XXI) of 17 December 1966, by which it created the United Nations Commission on International Trade Law with a mandate to further the progressive harmonization and unification of the law of international trade and in that respect to bear in mind the interests of all peoples, in particular those of developing countries, in the extensive development of international trade,

Reaffirming its conviction that the progressive harmonization and unification of international trade law, in reducing or removing legal obstacles to the flow of international trade, especially those affecting the developing countries, would significantly contribute to universal economic cooperation among all States on a basis of equality, equity and common interest and to the elimination of discrimination in international trade and, thereby, to the well-being of all peoples,

Stressing the value of participation by States at all levels of economic development and from different legal systems in the process of harmonizing and unifying international trade law,

Having considered the report of the United Nations Commission on International Trade Law on the work of its twenty-sixth session, 1/

Mindful of the valuable contribution being rendered by the United Nations Commission on International Trade Law within the framework of the United Nations Decade of International Law,

Having considered also the report of the Secretary-General, 2/

Concerned about the continuing relatively low incidence of expert representation from developing countries at sessions of the Commission and particularly of its working groups during recent years, due in part to inadequate resources to finance the travel of such experts,

1. Takes note with appreciation of the report of the United Nations Commission on International Trade Law on the work of its twenty-sixth session;

2. Welcomes the ongoing work of the Commission and appreciates the many proposals on possible future work made during the UNCITRAL Congress on International Trade Law held at New York from 18 to 22 May 1992 and, in this connection:

(a) Welcomes the decision of the Commission to request the secretariat to commence work in preparation of guidelines for pre-hearing conferences in arbitral proceedings;

(b) Welcomes the decision of the Commission to continue considering the other proposals made during the Congress as part of its future programme of work;

3. Reaffirms the mandate of the Commission, as the core legal body within the United Nations system in the field of international trade law, to coordinate legal activities in this field in order to avoid duplication of effort and to promote efficiency, consistency and coherence in the unification and harmonization of international trade law and, in this connection, recommends that the Commission, through its secretariat, continue to maintain close cooperation with the other intergovernmental and non-governmental organizations, including regional organizations, active in the field of international trade law;

4. Reaffirms the importance, in particular for developing countries, of the work of the Commission concerned with training and assistance in the field of international trade law and the desirability for it to sponsor seminars and symposia to provide such training and assistance, and, in this connection:

1/ Official Records of the General Assembly, Forty-eighth Session, Supplement No. 17 (A/48/17).

2/ A/48/296.

(a) Expresses its appreciation to the Commission for organizing seminars in Bangkok, Thailand; Jakarta, Indonesia; Lahore, Pakistan; Colombo, Sir Lanka; Dhaka, Bangladesh; Kiev, Ukraine; Warsaw, Poland and Rogaska Slatina, Slovenia and for assisting the Pacific Economic Co-operation Council with its initiative to promote harmonization of international trade law in the Asia-Pacific region, and to the Governments whose contributions enabled the seminars to take place;

(b) Urges Governments, the relevant United Nations organs, organizations, institutions and individuals to make voluntary contributions to the trust fund for the United Nations Commission on International Trade Law symposia and, where appropriate, to the financing of special projects, and otherwise to assist the secretariat of the Commission in financing and organizing seminars and symposia, in particular in developing countries, and in the award of fellowships to candidates from developing countries to enable them to participate in such seminars and symposia;

(c) Appeals to the United Nations Development Programme and other United Nations bodies responsible for development assistance to support the Commission's training and technical assistance programme and to cooperate and coordinate their activities with those of the Commission;

5. Requests the Secretary-General, in order to ensure full participation by all member States in the sessions of the Commission and its working groups, to establish a separate trust fund for the Commission to grant travel assistance to developing countries that are members of the Commission, at their request and in consultation with the Secretary-General;

6. Decides, in order to ensure full participation by all member States in the sessions of the Commission and its working groups, to continue its consideration in the competent Main Committee during the forty-eighth session of the General Assembly on granting travel assistance, within existing resources, to the least developed countries that are members of the Commission, at their request and in consultation with the Secretary-General;

7. Expresses its appreciation to the Commission for organizing the Fifth UNCITRAL Symposium on International Trade Law in Vienna from 12 to 16 July 1993 on the occasion of its twenty-sixth session;

8. Stresses the importance of bringing into effect the conventions emanating from the work of the Commission for the global unification and harmonization of international trade law and to this end invites States that have not yet done so to consider signing, ratifying or acceding to these conventions;

9. Requests the Secretary-General to submit a report on the implementation of paragraphs 5 and 6 of the present resolution to the General Assembly at its forty-ninth session.

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REPORT OF THE UNITED NATIONS COMMISSION ON INTERNATIONAL TRADE LAW ON THE WORK OF ITS TWENTY-SIXTH SESSION

Argentina, Australia, Austria, Belarus, Canada, Cyprus, Denmark, France, Italy, Kyrgyzstan, Poland, Russian Federation, Thailand, Ukraine and United States of America: draft resolution

UNCITRAL Model Law on Procurement of Goods and Construction

The General Assembly,

Recalling its resolution 2205 (XXI) of 17 December 1966, by which it created the United Nations Commission on International Trade Law with a mandate to further the progressive harmonization and unification of the law of international trade and in that respect to bear in mind the interests of all peoples, in particular those of developing countries, in the extensive development of international trade,

Noting that procurement constitutes a large portion of public expenditure of most States,

Noting also that a model law on procurement establishing procedures designed to foster integrity, confidence, fairness and transparency in the procurement process will also promote economy, efficiency and competition in procurement and thus lead to increased economic development,

Being of the opinion that the establishment of a model law on procurement that is acceptable to States with different legal, social and economic systems contributes to the development of harmonious international economic relations,

Being convinced that the UNCITRAL Model Law on Procurement of Goods and Construction 1/ will significantly assist all States, including developing countries and States whose economies are in transition, in enhancing their existing procurement laws and formulating procurement laws where none presently exist,

1. Takes note with satisfaction of the completion and adoption by the Commission of the Model Law on Procurement of Goods and Construction together with the Guide to Enactment of the Model Law; 2/

2. Recommends that, in view of the desirability of improvement and uniformity of the laws of procurement, States give favourable consideration to the Model Law when they enact or revise their procurement laws;

3. Recommends also that all efforts be made to ensure that the Model Law together with the Guide to Enactment become generally known and available.

1/ Official Records of the General Assembly, Forty-eighth Session, Supplement No. 17 (A/48/17, chap. II).

2/ Ibid., paras. 218-258.

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REPORT OF THE UNITED NATIONS COMMISSION ON INTERNATIONAL TRADE LAW ON THE WORK OF ITS TWENTY-SIXTH SESSION

Australia, Austria, Cyprus, Kyrgyzstan, Morocco, Sweden and Thailand: draft resolution

United Nations Convention on the Carriage of Goods by Sea, 1978 (Hamburg Rules)

The General Assembly,

Reaffirming its conviction that the progressive harmonization and unification of international trade law, in reducing or removing legal obstacles to the flow of international trade, would significantly contribute to universal economic cooperation among all States on a basis of equality, equity and common interest and to the elimination of discrimination in international trade and, thereby, to the well-being of all peoples,

Recalling the entry into force, on 1 November 1992, of the United Nations Convention on the Carriage of Goods by Sea, 1978, (Hamburg Rules), 1/

1. Invites all States to consider becoming parties to the United Nations Convention on the Carriage of Goods by Sea, 1978, (Hamburg Rules);

2. Requests that the Secretary-General continue to make increased efforts to promote wider adherence to the Convention.

1/ Official Records of the United Nations Conference on the Carriage of Goods by Sea, Hamburg, 6-31 March 1978 (United Nations publication, Sales No. E.80.VIII.1), document A/CONF.89/13, annex I.

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UNITED NATIONS DECADE OF INTERNATIONAL LAW

Report of the Working Group on the United Nations Decade of International Law

Chairman: Mr. Sani L. MOHAMMED (Nigeria)

INTRODUCTION

1. The General Assembly, in its resolution 47/32 of 25 November 1992, requested the Working Group on the United Nations Decade of International Law to continue its work at the forty-eighth session in accordance with its mandate and methods of work.

2. Pursuant to that resolution, the Sixth Committee, at its 3rd meeting, on 4 October 1993, elected Mr. Sani L. Mohammed (Nigeria) as Chairman of the Working Group on the United Nations Decade of International Law for the forty-eighth session.

3. The Working Group had before it the report of the Secretary-General requested under paragraphs 5 and 6 of resolution 47/32 (A/48/312), containing an analysis of the replies received, in accordance with that resolution, on the implementation of the programme for the second term (1993-1994) of the Decade, as well as a report on the activities of the United Nations relevant to the progressive development of international law and its codification; the report of the Secretary-General on a preliminary operational plan for a possible United Nations congress on public international law (A/48/435), prepared pursuant to paragraph 7 of resolution 47/32; and the report of the Secretary-General on the protection of the environment in times of armed conflict (A/48/269), submitted pursuant to paragraph 4 of General Assembly resolution 47/37 of 25 November 1992.

4. The Working Group held six meetings between 6 October and 16 November 1993, during which it discussed the above-mentioned three reports of the Secretary-General.

I. REPORT OF THE SECRETARY-GENERAL ON THE IMPLEMENTATION OF THE SECOND TERM (1993-1994) OF THE DECADE

5. The Working Group took note of the report of the Secretary-General on the implementation of the second term (1993-1994) of the Decade. It also expressed its appreciation to those States and international organizations and institutions which had submitted relevant information to the Secretary-General, and called on all States and international organizations and institutions referred to in the programme for the Decade to submit further reports on the activities undertaken under the programme.

II. REPORT OF THE SECRETARY-GENERAL ON THE PROTECTION OF THE ENVIRONMENT IN TIMES OF ARMED CONFLICT

6. In accordance with paragraph 4 of General Assembly resolution 47/37, the report of the Secretary-General on the protection of the environment in times of armed conflict contains information submitted by the International Committee of the Red Cross (ICRC). In the light of this fact, the representative of ICRC was given the floor as an exceptional measure, to introduce the report and to answer questions raised by delegations in this regard.

7. In introducing the report, the representative of ICRC referred to a number of existing rules on the protection of the environment in times of armed conflict. He made the point that ICRC shared the conclusion reached by the three meetings of experts organized under its auspices, that there was no immediate need for a comprehensive codification of such rules. He observed that the consideration of the report by the Working Group could provide the opportunity for a renewed appeal to States to respect their obligations relating to the protection of the environment in times of armed conflict. He further expressed the hope that the draft guidelines for military manuals and instructions on the protection of the environment in times of armed conflict, annexed to the report, would in due course be forwarded to States with the recommendation that they be included in military manuals. In this connection, he expressed the readiness of ICRC to submit a revised set of guidelines on the basis of the comments made by States.

A. General comments

8. Delegations expressed their appreciation to ICRC for the preparation of the report. There was widespread agreement with the view of ICRC that no general codification of the rules protecting the environment in times of armed conflict should be undertaken at the current stage, and that emphasis should be placed on increased compliance with, and dissemination of, those rules. The importance of wide participation in the relevant international instruments was also stressed. In this connection, the point was made that it would be useful to have a list of those instruments and the States parties thereto. It was observed that national and regional measures for the protection of the environment in times of armed conflict were particularly important. The view was expressed that, as ICRC had pointed out, there might be a need for clarification and development of certain existing rules. Some delegations suggested that ICRC should continue its

consideration of issues put forward in paragraph 110 of the report of the Secretary-General.

9. The view was expressed that the Sixth Committee should remain seized of the question of the protection of the environment in times of armed conflict as part of its consideration of the item on the United Nations Decade of International Law, but that substantive work on the subject should continue within the framework of ICRC. In this connection, it was observed that the Sixth Committee could provide its views and suggestions, where appropriate, in order to assist the work of ICRC and other competent bodies in this field. There was the view that this question should continue to be discussed within the item on the Decade of International Law annually. But there was also the view that it should be discussed every two years.

B. Comments on specific sections of the report

10. With respect to section II.C.3, dealing with international rules concerning the protection of the environment, reservations were expressed on the conclusions drawn in paragraph 32 as regards articles 35 and 55 of the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I) of 1977. 1/ The point was made that this instrument, as any convention, was only binding upon States parties thereto; the view was also expressed that, wherever customary rules were embodied in a particular instrument, they were binding on all States, irrespective of whether they were a party to that instrument.

11. In connection with section II.C.6, on the question of implementation, the obligation of States to disseminate international humanitarian law was underscored. The adoption of both national and regional measures was called for in this respect.

12. Concerning section II.E.4, dealing with the relationship between international humanitarian law and international environmental law, doubts were expressed as to the appropriateness of an extensive study of this matter.

13. With regard to section II.E.9, dealing with grave breaches and State responsibility, the point was made that these were two distinct issues, which had to be considered separately.

14. In connection with section II.E.10, on the applicability of the precautionary principle to the protection of the environment in times of armed conflict, the point was made that this emerging principle was indeed applicable in times of armed conflict. However, doubts were also expressed with regard to this principle and its applicability.

15. The importance of section II.E.11, relating to the protection of the environment in times of non-international armed conflict, was particularly underscored.

16. As to section II.F, concerning the position of ICRC, support was expressed for the conclusion that the environment would be adequately protected in times of armed conflict if several aspects of the existing law were elaborated on and if that law were more fully implemented. Reservations were, however, expressed with respect to several suggestions made in this regard in paragraph 106.

C. Comments on section G, containing the conclusions of the report of ICRC

17. Doubts were expressed about the suggestion that the relationship between the ENMOD Convention 2/ and Additional Protocol I 3/ should be examined by a committee of experts established under the ENMOD Convention, in particular, to interpret or clarify the terms "widespread, long-lasting/long-term and severe" which appeared in those instruments. It was noted that the authority of interpretation or clarification in respect of terms employed in a treaty was reserved for the parties to that treaty, and it was neither appropriate nor legally effective to entrust a body of experts with such a task. It was also noted that the precise meaning of the terms in question would have to be determined in the specific context of each treaty and the relationship between the two instruments or terms therein was not of immediate legal interest.

18. With respect to the questions of the applicability in armed conflict of international environmental law and the general clarification and action in case of revision of the treaties, some representatives questioned the utility of a general study on the subject, as well as the feasibility of producing "realistic and effective solutions" quickly for the problem, as suggested. Others considered the problem of environmental protection in times of armed conflict to be of such importance as to warrant a special study and called on competent bodies to do so. The suggestion was made that the revision of treaties should be left to the proper amendment procedure provided under each instrument.

19. The suggestions concerning the protection of the environment and restriction on the use of mines and the action to be taken during the Conference for reviewing the 1980 Convention on the Prohibition of the Use of Certain Conventional Weapons 4/ were noted for information. It was observed that the legality of the use of any new weapon should be treated as a separate issue.

20. Some representatives considered the question of the protection of cultural sites and nature reserves and parks to be of high priority and expressed support for the recommended action. While there was the suggestion that the protection of cultural sites and that of nature reserves and parks were two different issues and should therefore be treated separately, the view was also expressed that a special link between the two issues could exist, as recognized in treaties such as the 1972 Convention Concerning the Protection of the World Cultural and Natural Heritage, 5/ as well as in certain national programmes. It was further suggested that the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict 6/ had established a mechanism for the definition and the registration of sites, and that what might be necessary was to increase participation in the Convention, rather than to develop existing law, as suggested. It was also suggested that the Sixth Committee could play a role in developing existing law in this area.

21. A number of representatives emphasized the importance of the question of the protection of the environment in times of non-international armed conflict and the possible application of the rules applicable in times of international armed conflict. The suggestion was made that, while respecting the views of ICRC to the contrary, there might be a need for developing the existing law, since the rules protecting the victims of non-international armed conflict were less well developed than those governing international armed conflict. There was also the suggestion that the subject could be reviewed by the International Law Commission in the context of its work on international liability for injurious consequences arising out of acts not prohibited by international law.

22. There was general support in principle for the statement made in paragraph 110 (e) (i) to the effect that it was difficult to contemplate that acts prohibited in international armed conflicts might be permitted in non-international armed conflicts. The point was, however, made that the concept needed clarification. The view was also expressed that it was difficult to accept the total elimination of the distinction between international and non-international armed conflicts. As regards the observation in subparagraph (ii) that in some cases global environmental considerations should prevail over a State's sovereignty, some representatives expressed reservations concerning the generality of the statement, while others supported the concept as an important principle of environmental protection.

23. Concerning the means of implementing provisions on the protection of the environment in times of armed conflict and the possible role of the International Fact-Finding Commission provided for in article 90 of Protocol I of 1977, some delegations considered such a role helpful. However, the remark was made by others that the reference to the International Fact-Finding Commission was not appropriate, since the functions of the Commission were relevant only in respect of those High Contracting Parties to Protocol I which had, at the time of signing, ratifying or acceding to the Protocol, accepted the competence of the Commission by a special declaration. Doubts were expressed about the utility of questionnaires as an effective means of implementing provisions on environmental protection in times of armed conflict. The representative of ICRC clarified that the questionnaires in question were those already part of the reporting systems under various existing environmental treaties. The suggestion was also made that, in addition to such means of implementation to be undertaken at the international level, States concerned should be encouraged to accept and apply corresponding measures of implementation at the national level.

24. With respect to the dissemination of provisions protecting the environment in times of armed conflict, the view was expressed that this was a high-priority area. It was suggested that appropriate steps should be taken at both the international and the national levels.

25. The Working Group expressed appreciation of the draft Guidelines for military manuals and instructions on the protection of the environment in times of armed conflict, 7/ prepared by ICRC in consultation with experts. There was general support for the suggestion that the draft should be circulated to Governments with a request that they provide ICRC with their comments on the draft. A view was expressed that such comments should be transmitted to ICRC through the Secretary-General. ICRC could then, on the basis of those comments,

finalize the draft and submit it to the Sixth Committee. The Swiss authorities offered to host an intergovernmental meeting if this would assist the process. Some delegations expressed the view that such a meeting would expedite the finalization of the guidelines. Other delegations expressed the view that it was for ICRC to decide how to proceed on this matter.

26. In the course of preliminary remarks on the guidelines, a reservation was expressed with respect to the first sentence of paragraph 3, to the effect that it did not clearly indicate the extent to which the guidelines were the expression of international customary law or of treaty law binding a particular State, and furthermore that the guidelines by their nature could not be treated as binding as suggested by the use of the word "must" in that sentence. The importance of maintaining a clear distinction in the guidelines between the rules of universal applicability and the rules binding only States parties to the relevant treaties was stressed.

27. It was suggested that the Sixth Committee could also consider the broader issue emanating from the guidelines which concerned the international protection of victims of war. Reference was made, in particular, to the proposals for strengthening legal protection for the provision of humanitarian assistance to the victims of armed conflicts and for imposing international restrictions on the use in internal conflicts of the most destructive and indiscriminate types of weapons, primarily military aircraft and artillery-rocket systems. It was further suggested that the Sixth Committee might be assigned to work on a code of conduct applicable to conflicts of a non-international character.

III. REPORT OF THE SECRETARY-GENERAL ON A PRELIMINARY OPERATIONAL PLAN FOR A POSSIBLE UNITED NATIONS CONGRESS ON PUBLIC INTERNATIONAL LAW

28. The Working Group welcomed the report of the Secretary-General on a preliminary operational plan for a possible United Nations congress on public international law, introduced by the Legal Counsel.

29. The representatives expressed their support for an informal paper containing a draft programme for the congress introduced by the Chairman of the Working Group during the meeting and circulated among the delegations, which read as follows:

"United Nations Decade of International Law: draft programme for a United Nations Congress on public international law

"Purpose

"1. The Congress would be organized within the framework of the United Nations Decade of International Law to promote the role of international law in international relations.

"2. Participants at the Congress would be invited to express their views on the codification, progressive development and implementation of public international law, taking into account both theory and practice of international law, its teaching and dissemination, with a view to assisting the legal profession, States that have recently joined the international community, and the general public to meet the challenges and expectations of a new world order.

"3. The theme of the Congress would be 'Towards the twenty-first Century: International Law as a Language for International Relations'. The sub-themes of each of the five days should follow the identified themes of the Decade.

"Time

"1. The Congress should be convened at United Nations Headquarters, in New York, in 1995, immediately after the end of the second week of the 1995 session of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization.

"2. The duration of the Congress would be five working days, with two plenary meetings in the morning (10 a.m.-1 p.m.) and afternoon (3-6 p.m.).

"Organizational matters

"1. The Office of Legal Affairs [in consultation with the members of the Sixth Committee] should be charged with the responsibility of organizational matters of the Congress.

"2. The Secretariat should consider all detailed issues regarding participation, notice thereof, admission, selection of speakers and to the extent possible be guided by equitable representation of all regions and judicial systems in order to avoid undue representation.

"Finance

"1. The Congress should be held within existing resources and be assisted by voluntary contributions.

"2. Government and non-government institutions should be invited to make voluntary contributions towards the financing of the Congress.

"3. To cover the cost of additional publicity, the possibility of allowing some publishers to display their publications should be explored.

"4. Travel and subsistence of some designated speakers from the least developed countries should be borne through the funds from external financing."

A. Purpose of the congress

30. With respect to the purpose of the congress, the Working Group generally found the formulation contained in the above draft programme to be acceptable. However, it was observed that the expression "a new world order" was not acceptable and that it should be replaced by some other expressions such as "the world today" or "the present-day world". It was also stated that the work of the congress should not result in the adoption of a declaration or any other kind of formal or binding document. It was suggested that at least several lectures of the most prominent speakers should be published after the completion of the work of the congress. The need to have a discussion on well-defined topical questions, including such issues as space law, rather than on traditional topics discussed within the framework of the United Nations Decade of International Law was also emphasized. The point was also made that the congress should not become another meeting of government representatives, but should rather be as informal and non-governmental as possible. A suggestion was made that the Working Group should reach an agreement on the formulation of the themes for the congress and sub-themes for discussion during its work. Responding to this suggestion, the Working Group agreed to five major sub-themes for the discussion which would follow the identified purposes of the Decade, as formulated in the Chairman's informal paper circulated in the Working Group, which read as follows:

"General theme of the Congress: Towards the twenty-first century: International Law as a Language for International Relations

"Sub-themes should follow the identified purposes of the Decade:

"1. The principles of international law: theoretical and practical aspects of their promotion and implementation.

"2. Means of peaceful settlement of disputes between States, including resort to and full respect for the International Court of Justice.

"3. Conceptual and practical aspects of the codification and progressive development of international law: new developments and priorities.

"4. New approaches to research, education and training of international law and its wider appreciation.

"5. Towards the twenty-first century: new challenges and expectations."

31. As to the draft theme for the congress as contained in the informal paper, a suggestion was made that it should be reformulated so as to avoid the use of the expression "as a language for international relations". There was also the view that the statement in the form of a theme for the congress was not necessary.

B. Timing of the congress

32. In connection with the timing of the congress, all delegations supported the idea of convening the congress at United Nations Headquarters in New York in 1995, in order to allow for sufficient time for its preparation. Most of them favoured the option of convening the congress immediately after the end of the second week of the 1995 session of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization. The view was also expressed that the possibility should be considered of convening the congress in conjunction with the 1995 session of the Special Committee, but without limiting the work of the Committee to two weeks. Some of the representatives spoke in favour of convening the congress during the 1995 regular session of the General Assembly, within the framework of the Sixth Committee. As to the duration of the congress, it was agreed to allocate to it five working days, with two plenary meetings each day, one in the morning (10 a.m.-1 p.m.) and one in the afternoon (3-6 p.m.). The possibility of organizing during the congress a plenary meeting in the morning and one or more consecutive, not simultaneous, working group meetings on specific issues in the afternoon was, however, also envisaged. There was also a suggestion that exchanges of views among the participants in the congress between formal meetings could be promoted.

C. Organizational matters

33. It was agreed to entrust the Office of Legal Affairs of the Secretariat of the United Nations with the responsibility of the organization of the congress, including all detailed issues regarding participation, admission, selection of speakers and topics, etc. The point was made that instead of holding formal consultations with the missions to the United Nations, including members of the Sixth Committee, the Office of Legal Affairs should informally contact them and keep them informed on the progress on the organization of the congress. While the need to ensure fair, equitable representation of all regions and legal systems to the extent possible in the selection of speakers was pointed out, it was also observed that a similar approach should be followed to open up possibilities for participation in the congress. The point was made that participation should include a wide range of professionals active in the field, so as to avoid a transformation of the congress into another conference of government representatives. A specific suggestion was made that the invitation of lawyers practising private law, including those who represent multinational companies and others who also have to deal frequently with issues of public international law, as well as lawyers from developing countries, should be envisaged in the organizational plan.

D. Financial issues

34. All the representatives emphasized that the congress should be held within existing resources and be assisted by voluntary contributions. In this connection, it was noted that allocation of additional resources for public information coverage of the congress, as suggested, in particular, in paragraph 22 of the report of the Secretary-General on the subject, was unacceptable. With respect to the types of governmental financial assistance,

it was noted that such assistance could be in the form of donations in cash or of coverage of the travel and subsistence costs of speakers. The need for financial assistance to the representatives of developing countries was emphasized. It was also pointed out that financial contributions from non-governmental sources should not lead to disproportionate and unfair representation at the congress.

E. Recommendations

35. The Working Group decided to recommend that the United Nations congress on public international law be held in 1995 as proposed and that the Secretariat proceed with its preparation and keep the Member States informed of the status of the preparations.

Notes

1/ United Nations, Treaty Series, vol. 1125, No. 17512, p. 3.

2/ Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques of 10 December 1976 (General Assembly resolution 31/72).

3/ See note 1, above.

4/ Convention on Prohibition or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects (United Nations, Treaty Series, vol. 1342, No. 22495, p. 137).

5/ United Nations, Treaty Series, vol. 1037, No. 15511, p. 151.

6/ Ibid., vol. 249, No. 3511, p. 240.

7/ A/48/269, annex.

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A/C.6/48/L.10
22 November 1993

ORIGINAL: ENGLISH

Forty-eighth session
SIXTH COMMITTEE
Agenda item 145

REPORT OF THE COMMITTEE ON RELATIONS WITH THE HOST COUNTRY

Bulgaria, Canada, Costa Rica, Côte d'Ivoire and Cyprus: draft resolution

Report of the Committee on Relations with the Host Country

The General Assembly,

Having considered the report of the Committee on Relations with the Host Country, 1/

Recalling Article 105 of the Charter of the United Nations, the Convention on the Privileges and Immunities of the United Nations 2/ and the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations 3/ and the responsibilities of the host country,

Recognizing that effective measures should continue to be taken by the competent authorities of the host country, in particular to prevent any acts violating the security of missions and the safety of their personnel,

Noting the spirit of cooperation and mutual understanding which has guided the deliberations of the Committee on issues affecting the United Nations community and the host country,

Welcoming the increased interest shown by Member States in participating in the work of the Committee,

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1/ Official Records of the General Assembly, Forty-eighth Session, Supplement No. 26 (A/48/26).

2/ Resolution 22 A (I).

3/ See resolution 169 (II).

Welcoming also the efforts to explore ways to rationalize the work of the Committee, and in particular its agenda,

1. Endorses the recommendations and conclusions of the Committee on Relations with the Host Country contained in paragraph 58 of its report; 1/

2. Considers that the maintenance of appropriate conditions for the normal work of the delegations and the missions accredited to the United Nations is in the interests of the United Nations and all Member States, and expresses the hope that the host country will continue to take all measures necessary to prevent any interference with the functioning of missions;

3. Expresses its appreciation for the efforts made by the host country, and hopes that problems raised at the meetings of the Committee will continue to be resolved in a spirit of cooperation and in accordance with international law;

4. Voices its concern that the amount of financial indebtedness resulting from non-compliance with contractual obligations of certain missions accredited to the United Nations has increased to alarming proportions, reminds all permanent missions to the United Nations, their personnel and Secretariat personnel of their responsibilities to meet such obligations, and expresses the hope that the efforts undertaken by the Committee, in consultation with all concerned, will lead to a solution of this problem;

5. Welcomes the lifting of travel controls by the host country with regard to certain missions and staff members of the Secretariat of certain nationalities, and expresses the hope that the remaining travel restrictions will be removed by the host country as soon as possible, and in this regard notes the positions of the affected States, of the Secretary-General and of the host country;

6. Supports the efforts of the Chairman of the Committee, Member States and the Secretariat to explore ways to rationalize the work of the Committee and its agenda, permitting it to remain efficient and responsive, and in keeping with the overall spirit of its mandate;

7. Requests the Secretary-General to remain actively engaged in all aspects of the relations of the United Nations with the host country;

8. Requests the Committee to continue its work, in conformity with General Assembly resolution 2819 (XXVI) of 15 December 1971;

9. Decides to include in the provisional agenda of its forty-ninth session the item entitled "Report of the Committee on Relations with the Host Country".

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General Assembly

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A/C.6/48/L.11
23 November 1993

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Forty-eighth session
SIXTH COMMITTEE
Agenda item 143

REPORT OF THE INTERNATIONAL LAW COMMISSION ON THE WORK OF ITS FORTY-FIFTH SESSION

Argentina, Australia, Austria, Brazil, Bulgaria, Canada, Costa Rica, Czech Republic, Denmark, Ecuador, El Salvador, Finland, France, Hungary, Indonesia, Ireland, Italy, Japan, New Zealand, Poland, Portugal, Romania, Russian Federation, Rwanda, Senegal, Slovakia, Thailand, Trinidad and Tobago, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay and Venezuela: draft resolution

Report of the International Law Commission on the work of its forty-fifth session

The General Assembly,

Having considered the report of the International Law Commission on the work of its forty-fifth session, 1/

Emphasizing the need for the progressive development of international law and its codification in order to make it a more effective means of implementing the purposes and principles set forth in the Charter of the United Nations and in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations 2/ and to give increased importance to its role in relations among States,

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1/ Official Records of the General Assembly, Forty-eighth Session, Supplement No. 10 (A/48/10).

2/ Resolution 2625 (XXV), annex.

Recognizing the importance of referring legal and drafting questions to the Sixth Committee, including topics that might be submitted to the International Law Commission, and of enabling the Sixth Committee and the Commission further to enhance their contribution to the progressive development of international law and its codification,

Recalling the need to keep under review those topics of international law which, given their new or renewed interest for the international community, may be suitable for the progressive development and codification of international law and therefore may be included in the future programme of work of the International Law Commission,

Recognizing the role of the International Law Commission in the fulfilment of the objectives of the United Nations Decade of International Law,

Expressing its appreciation for the progress achieved by the International Law Commission in its elaboration of a draft statute for an international criminal court, and noting the constructive debate in the Sixth Committee pertaining to this question,

Considering that experience has demonstrated the usefulness of structuring the debate on the report of the International Law Commission in the Sixth Committee in such a manner that conditions are provided for concentrated attention on each of the main topics dealt with in the report, and that this process is facilitated when the Commission indicates specific issues on which expressions of views by Governments are of particular interest for the continuation of its work,

1. Takes note of the report of the International Law Commission on the work of its forty-fifth session; 1/

2. Expresses its appreciation to the International Law Commission for the work accomplished at that session;

3. Recommends that, taking into account the comments of Governments, whether in writing or expressed orally in debates in the General Assembly, the International Law Commission should continue its work on the topics in its current programme;

4. Takes note with appreciation of chapter II of the report of the International Law Commission, entitled "Draft Code of Crimes against the Peace and Security of Mankind", which was devoted to the question of a draft statute for an international criminal court;

5. Invites States to submit to the Secretary-General by 15 February 1994, as requested by the International Law Commission, written comments on the draft articles proposed by the Working Group on a Draft Statute for an International Criminal Court;

6. Requests the International Law Commission to continue its work as a matter of priority on this question with a view to elaborating a draft statute if possible at its forty-sixth session in 1994, taking into account the views

expressed during the debate in the Sixth Committee as well as any written comments received from States;

7. Endorses the decision of the International Law Commission to include in its agenda the topics "The law and practice relating to reservations to treaties" and "State succession and its impact on the nationality of natural and legal persons", on the understanding that the final form to be given to the work on these topics shall be decided after a preliminary study is presented to the General Assembly;

8. Notes the intentions of the International Law Commission for the programme of work for the remainder of the current term of office of its members, 3/ and in this connection requests the Commission to resume at its forty-sixth session the consideration of the draft Code of Crimes against the Peace and Security of Mankind and welcomes the Commission's decision to endeavour to complete in 1994 the second reading of the draft articles on the law of the non-navigational uses of international watercourses;

9. Expresses its appreciation for the efforts of the International Law Commission to improve its procedures and methods of work;

10. Requests the International Law Commission:

(a) To consider thoroughly:

(i) The planning of its activities and programme for the term of office of its members, bearing in mind the desirability of achieving as much progress as possible in the preparation of draft articles on specific topics;

(ii) Its methods of work in all their aspects, bearing in mind that the staggering of the consideration of some topics might contribute, inter alia, to a more effective consideration of its report in the Sixth Committee;

(b) To continue to pay special attention to indicating in its annual report, for each topic, those specific issues on which expressions of views by Governments, either in the Sixth Committee or in written form, would be of particular interest for the continuation of its work;

11. Takes note of the comments of the International Law Commission on the question of the duration of its session, as presented in paragraph 452 of its report, 4/ and expresses the view that the requirements of the work for the progressive development of international law and its codification and the

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3/ Official Records of the General Assembly, Forty-eighth Session, Supplement No. 10 (A/48/10), para. 424.

4/ Ibid., chap. VI, sect. A.5.

magnitude and complexity of the subjects on the agenda of the Commission make it desirable that the usual duration of its sessions be maintained;

12. Reaffirms its previous decisions concerning the role of the Codification Division of the Office of Legal Affairs of the Secretariat and those concerning the summary records and other documentation of the International Law Commission;

13. Once again expresses the wish that seminars will continue to be held in conjunction with the sessions of the International Law Commission and that an increasing number of participants from developing countries will be given the opportunity to attend those seminars, appeals to States that can do so to make the voluntary contributions that are urgently needed for the holding of the seminars, and expresses the hope that every effort will continue to be made by the Secretary-General, within existing resources, to provide the seminars with adequate services, including interpretation, as required;

14. Requests the Secretary-General to forward to the International Law Commission, for its attention, the records of the debate on the report of the Commission at the forty-eighth session of the General Assembly, together with such written statements as delegations may circulate in conjunction with their oral statements, and to prepare and distribute a topical summary of the debate;

15. Recommends the continuation of efforts to improve the ways in which the report of the International Law Commission is considered in the Sixth Committee, with a view to providing effective guidance for the Commission in its work;

16. Also recommends that the debate on the report of the International Law Commission at the forty-ninth session of the General Assembly commence on 24 October 1994.

UNITED NATIONS **A**

General Assembly

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A/C.6/48/L.12
22 November 1993

ORIGINAL: ENGLISH

Forty-eighth session
SIXTH COMMITTEE
Agenda item 152

QUESTION OF RESPONSIBILITY FOR ATTACKS ON UNITED NATIONS AND ASSOCIATED PERSONNEL AND MEASURES TO ENSURE THAT THOSE RESPONSIBLE FOR SUCH ATTACKS ARE BROUGHT TO JUSTICE

Afghanistan, Australia, Austria, Belgium, Brazil, Canada, Denmark, Fiji, France, Hungary, Malaysia, Nepal, New Zealand, Norway, Poland, Portugal, Singapore, Spain, Sweden, Trinidad and Tobago, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay and Venezuela: draft resolution

Question of responsibility for attacks on United Nations and associated personnel and measures to ensure that those responsible for such attacks are brought to justice

The General Assembly,

Recalling the report of the Secretary-General entitled "An Agenda for Peace" 1/ and General Assembly resolution 47/120 B of 20 September 1993,

Recalling also its resolution 47/72 of 14 December 1992,

Gravely concerned at the increasing number of attacks on United Nations personnel which have caused death or serious injury,

Recalling the statement made by the President of the Security Council, on behalf of the Council, on 31 March 1993, 2/ in which the Security Council, inter alia, recognized the need for all relevant bodies of the Organization to take concerted action to enhance the safety and security of United Nations forces and personnel,

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1/ A/47/277-S/24111.

2/ See S/25493.

Recalling further the report of the Special Committee on Peace-keeping Operations, 3/

Having considered the report of the Secretary-General of 27 August 1993 on the security of United Nations operations, 4/

Recalling Security Council resolution 868 (1993) of 29 September 1993,

Noting with appreciation the draft proposals submitted by the delegations of New Zealand 5/ and Ukraine 6/ under this item,

Welcoming the oral report of the Chairman of the Working Group established under the item, 7/

1. Decides to establish an Ad Hoc Committee open to all Member States to elaborate an international convention dealing with the safety and security of United Nations and associated personnel, with particular reference to responsibility for attacks on such personnel;

2. Decides further that the Ad Hoc Committee shall be authorized to hold a session from 28 March to 8 April 1994 and, if the Ad Hoc Committee itself so decides, to hold a further session from 1 to 12 August 1994, to prepare the text of a draft convention, taking into account any suggestions and proposals from States as well as comments and suggestions that the Secretary-General may wish to provide on this subject, and bearing in mind views expressed during the debate on this item at the forty-eighth session of the General Assembly;

3. Requests the Secretary-General to provide the Ad Hoc Committee with the necessary facilities for the performance of its work;

4. Requests the Ad Hoc Committee to report to the General Assembly at its forty-ninth session on progress made towards the elaboration of the draft convention;

5. Recommends that a working group be re-established in the framework of the Sixth Committee at its forty-ninth session in the event that further work is required for the elaboration of the draft convention;

3/ A/48/173.

4/ A/48/349-S/26358.

5/ A/C.6/48/L.2

6/ A/C.6/48/L.3.

7/ See A/C.6/48/SR.29.

6. Decides to include in the provisional agenda of its forty-ninth session the item entitled "Question of responsibility for attacks on United Nations and associated personnel and measures to ensure that those responsible for such attacks are brought to justice".

UNITED
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General Assembly

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23 November 1993

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Forty-eighth session
SIXTH COMMITTEE
Agenda item 141

PROGRESSIVE DEVELOPMENT OF THE PRINCIPLES AND NORMS OF INTERNATIONAL LAW RELATING TO THE NEW INTERNATIONAL ECONOMIC ORDER

Draft decision submitted by the Chairman of the Working Group

The General Assembly,

Taking note of the oral report presented at the 35th meeting of the Sixth Committee by the Chairman of the Working Group established under General Assembly resolution 46/52 of 9 December 1991,

Decides to resume consideration of the legal aspects of international economic relations at its fifty-first session and to include the item entitled "Progressive development of the principles and norms of international law relating to the new international economic order" in the provisional agenda of that session.

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Forty-eighth session
SIXTH COMMITTEE
Agenda item 152

QUESTION OF RESPONSIBILITY FOR ATTACKS ON UNITED NATIONS AND ASSOCIATED PERSONNEL AND MEASURES TO ENSURE THAT THOSE RESPONSIBLE FOR SUCH ATTACKS ARE BROUGHT TO JUSTICE

Question of responsibility for attacks on United Nations and associated personnel and measures to ensure that those responsible for such attacks are brought to justice

Programme budget implications of draft resolution A/C.6/48/L.12

Statement submitted by the Secretary-General in accordance with rule 153 of the rules of procedure of the General Assembly

A. Requests contained in the draft resolution

1. Under the terms of operative paragraphs 1 to 5 of draft resolution A/C.6/48/L.12, the General Assembly would, inter alia:

(a) Decide to establish an Ad hoc Committee open to all Member States to elaborate an international convention dealing with the safety and security of United Nations and associated personnel, with particular reference to responsibility for attacks on such personnel;

(b) Decide further that the Ad hoc Committee shall be authorized to hold a session from 28 March to 8 April 1994 and, if the Ad hoc Committee itself so decides, to hold a further session from 1 to 12 August 1994, to prepare the text of a draft convention, taking into account any suggestions and proposals from States as well as comments and suggestions that the Secretary-General may wish to provide on this subject, and bearing in mind views expressed during the debate on this item at the forty-eighth session of the General Assembly;

(c) Request the Secretary-General to provide the Ad hoc Committee with the necessary facilities for the performance of its work;

(d) Request the Ad hoc Committee to report to the General Assembly at its forty-ninth session on progress made towards the elaboration of the draft convention;

(e) Recommend that a working group be re-established in the framework of the Sixth Committee at its forty-ninth session in the event that further work is required for the elaboration of the draft convention.

B. Relationship of requests to the proposed programme of work

2. The proposed activities are related to subprogramme 3, Progressive development and codification of international law, under programme 9, International law, within section 7, Legal activities, of the proposed programme budget for the biennium 1994-1995. 1/

C. Activities by which the requests would be implemented

3. Should the General Assembly adopt the draft resolution, the Secretary-General would undertake the necessary action to provide services to the Ad hoc Committee and would assign responsibility for the substantive servicing of the Ad hoc Committee to the Office of Legal Affairs.

D. Modifications required in the proposed programme of work for 1994-1995

4. Should the General Assembly approve the request contained in the draft resolution, the following amendments would be required to the citations under section 7, Legal activities, of the proposed programme budget for the biennium 1994-1995, subprogramme 3, Progressive development and codification of international law, activity 2, Parliamentary services, which should accordingly read as follows:

(a) Parliamentary documentation: 17 reports submitted to the General Assembly ... protection of diplomatic and consular missions; elaboration of an international convention dealing with the security and safety of United Nations and associated personnel; prevention of international terrorism ...

(b) Substantive services: ... one session of the Advisory Committee on the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law; two sessions of the Ad hoc Committee on the elaboration of an international convention dealing with the security and safety of the United Nations and associated personnel ...

E. Additional requirements

Substantive servicing

5. Preparation of documentation and substantive servicing of the Ad hoc Committee would be undertaken by the Codification Division of the Office of Legal Affairs. It is anticipated that this could be done within existing resources included under section 7, Legal activities, of the proposed programme budget for the biennium 1994-1995.

Conference servicing

6. In accordance with operative paragraph 2 of the draft resolution, the Ad hoc Committee shall be authorized to hold a session from 28 March to 8 April 1994 and, if the Ad hoc Committee itself so decides, to hold a further session from 1 to 12 August 1994, both to be held at United Nations Headquarters. It is assumed that interpretation and translation services would be required in Arabic, Chinese, English, French, Russian and Spanish. For each of the sessions, it is assumed that the Ad hoc Committee would require interpretation in six languages and other meeting services for 20 meetings and that there would be five pre-session documents (30 pages), 12 and 13 in-session documents, respectively (25 pages), and one post-session document (32 pages).

7. The extent to which the Organization's permanent capacity needs to be supplemented by temporary assistance resources can be determined only in the light of the calendar of conferences for 1994-1995. However, as indicated in paragraph 25E.6 of the proposed programme budget, the level of resources for temporary assistance for meetings in 1994-1995 was estimated on the basis of previous experience to accommodate not only meetings known at the time of the budget preparation but also meetings that would be authorized subsequently, provided that the number and distribution of meetings and conferences in the biennium 1994-1995 are consistent with the pattern of meetings in past years. On that basis, it is estimated at this time that no additional resources would be required under section 25E of the proposed programme budget for the biennium 1994-1995.

F. Summary

8. Should the General Assembly adopt draft resolution A/C.6/48/L.12, no additional appropriations would be required under the proposed programme budget for 1994-1995.

Notes

1/ A/48/6 (Sect. 7).

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General Assembly

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23 November 1993
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Forty-eighth session
SIXTH COMMITTEE
Agenda item 148

REQUEST FOR AN ADVISORY OPINION FROM THE INTERNATIONAL COURT OF JUSTICE

Draft decision submitted by the Chairman of the Sixth Committee

The General Assembly

(a) Decides to continue its consideration of this item;

(b) Decides also to include this item in the provisional agenda of its forty-ninth session.

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UNITED NATIONS **A**

General Assembly

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26 November 1993

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Forty-eighth session
SIXTH COMMITTEE
Agenda item 142

UNITED NATIONS DECADE OF INTERNATIONAL LAW

Algeria, Argentina, Australia, Austria, Belgium, Benin, Bolivia, Brazil, Bulgaria, Colombia, Costa Rica, Cuba, Czech Republic, Denmark, Ecuador, Egypt, El Salvador, Ethiopia, Finland, Germany, Ghana, Greece, Guatemala, Guyana, Hungary, India, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Japan, Jordan, Kenya, Libyan Arab Jamahiriya, Madagascar, Malaysia, Mali, Mexico, Morocco, Myanmar, Nepal, New Zealand, Nigeria, Peru, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Senegal, Sierra Leone, Slovakia, Spain, Sudan, Thailand, Trinidad and Tobago, Tunisia, Uganda, Ukraine, United Arab Emirates, United Republic of Tanzania, Uruguay, Viet Nam, Zaire, Zambia and Zimbabwe: draft resolution

United Nations Decade of International Law

The General Assembly,

Recalling its resolution 44/23 of 17 November 1989, by which it declared the period 1990-1999 the United Nations Decade of International Law,

Recalling also that the main purposes of the Decade, according to resolution 44/23, should be, inter alia:

(a) To promote acceptance of and respect for the principles of international law;

(b) To promote means and methods for the peaceful settlement of disputes between States, including resort to and full respect for the International Court of Justice;

(c) To encourage the progressive development of international law and its codification;

(d) To encourage the teaching, study, dissemination and wider appreciation of international law,

Recalling further its resolution 47/32 of 25 November 1992, to which was annexed the programme for the activities for the second term (1993-1994) of the United Nations Decade of International Law,

Expressing its appreciation to the Secretary-General for his reports on the United Nations Decade of International Law, 1/ submitted pursuant to resolution 47/32,

Recalling that the Sixth Committee established at the forty-fifth session the Working Group on the United Nations Decade of International Law with a view to preparing generally acceptable recommendations on the programme of activities for the Decade,

Noting that the Sixth Committee reconvened the Working Group at the forty-sixth, forty-seventh and forty-eighth sessions to continue its work in accordance with resolutions 45/40 of 28 November 1990, 46/53 of 9 December 1991 and 47/32,

Having considered the report of the Secretary-General 2/ containing information received from the International Committee of the Red Cross on the work of the Group of Experts on the Protection of the Environment in Times of Armed Conflict conducted under the auspices of the International Committee of the Red Cross and the draft guidelines for military manuals and instructions on the protection of the environment in times of armed conflict, annexed thereto,

1. Expresses its appreciation to the Sixth Committee and its Working Group on the United Nations Decade of International Law for their work at the current session, and requests the Working Group to continue its work at the forty-ninth session in accordance with its mandate and methods of work;

2. Also expresses its appreciation to States and international organizations and institutions that have undertaken activities in implementation of the programme for the second term (1993-1994) of the Decade, including sponsoring conferences on various subjects of international law;

3. Invites all States and international organizations and institutions referred to in the programme to provide, update or supplement information on activities they have undertaken in implementation of the programme, as appropriate, to the Secretary-General, as well as to submit their views on possible activities for the next term of the Decade;

1/ A/48/312, A/48/435.

2/ A/48/269.

4. Takes note with appreciation, in this respect, of the International Conference on the Protection of War Victims held at Geneva from 30 August to 1 September 1993, and its Final Declaration adopted on 1 September 1993, as an important means for reaffirming, strengthening and promoting international humanitarian law, and reminds all States of their responsibility to respect and ensure respect for international humanitarian law in order to protect the victims of war;

5. Requests the Secretary-General to submit, on the basis of information received under paragraph 3 of the present resolution, a report to the General Assembly at its forty-ninth session on the implementation of the programme, together with views on possible activities for the next term of the Decade;

6. Also requests the Secretary-General to supplement his report, as appropriate, with new information on the activities of the United Nations relevant to the progressive development of international law and its codification and to submit it to the General Assembly on an annual basis;

7. Encourages States to disseminate at the national level, as appropriate, information contained in the report of the Secretary-General;

8. Appeals to States, international organizations and non-governmental organizations working in this field and to the private sector to make financial contributions or contributions in kind for the purpose of facilitating the implementation of the programme;

9. Once again requests the Secretary-General to bring to the attention of States and international organizations and institutions working in the field of international law the programme annexed to resolution 47/32;

10. Decides that a United Nations congress on public international law be held in 1995, as proposed in part III of the report of the Working Group, 3/ and requests the Secretary-General to proceed with the preparations for the congress and keep the Member States informed of the status of the preparations;

11. Expresses its appreciation of the work carried out by the Group of Experts on the Protection of the Environment in Times of Armed Conflict conducted under the auspices of the International Committee of the Red Cross and of the report prepared by the International Committee of the Red Cross; 4/

12. Invites all States to review the draft guidelines for military manuals and instructions on the protection of the environment in times of armed conflict annexed to the report of the International Committee of the Red Cross and to provide their comments thereon to the International Committee either directly or through the Secretary-General no later than 31 March 1994;

3/ A/C.6/48/L.9.

4/ A/48/269, chap. II.

13. Welcomes the intention of the International Committee of the Red Cross to draw up a new version of the guidelines for military manuals, taking into account the comments made by States on the report of the Secretary-General 2/ containing information received from the International Committee, and notes that the International Committee is ready to convene, if need be, a meeting of government experts for that purpose;

14. Requests the Secretary-General to invite the International Committee of the Red Cross to report on activities undertaken by the Committee and other relevant bodies with regard to the protection of the environment in times of armed conflict, and to submit the information received in the report to be prepared under paragraph 5 of the present resolution to the General Assembly at its forty-ninth session;

15. Decides to include in the provisional agenda of its forty-ninth session the item entitled "United Nations Decade of International Law".

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A/C.6/48/L.17
24 November 1993

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SIXTH COMMITTEE
Agenda item 139

UNITED NATIONS PROGRAMME OF ASSISTANCE IN THE TEACHING, STUDY, DISSEMINATION AND WIDER APPRECIATION OF INTERNATIONAL LAW

Bangladesh, Cuba, Cyprus, Ethiopia, Ghana, India, Iran (Islamic Republic of), Kenya, Malaysia, Mexico, Netherlands, Nigeria, Rwanda, Senegal, Sudan, Trinidad and Tobago, United Republic of Tanzania and Zambia: draft resolution

United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law

The General Assembly,

Recalling paragraph 17 of its resolution 46/50 of 9 December 1991, paragraph 1 of chapter IV of the annex to its resolution 45/40 of 28 November 1990 and paragraph 1 of chapter IV of the annex to its resolution 47/32 of 25 November 1992,

Taking note with appreciation of the report of the Secretary-General on the implementation of the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law 1/ and the guidelines and recommendations on future implementation of the Programme within the framework of the United Nations Decade of International Law, which were adopted by the Advisory Committee on the Programme and are contained in section III of that report,

Bearing in mind that the encouragement of the teaching, study, dissemination and wider appreciation of international law is one of the main objectives of the United Nations Decade of International Law, as declared in its resolution 44/23 of 17 November 1989 and further expanded in the annex to its resolution 45/40, chapter IV of the programme of activities for the first term

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1/ A/48/580.

(1990-1992) of the Decade, and in the annex to its resolution 47/32, chapter IV of the programme of activities for the second term (1993-1994) of the Decade,

Considering that international law should occupy an appropriate place in the teaching of legal disciplines at all universities,

Noting with appreciation the efforts made by States at the bilateral level to provide assistance in the teaching and study of international law,

Convinced, nevertheless, that States and international organizations and institutions should be encouraged to give further support to the Programme and increase their activities to promote the teaching, study, dissemination and wider appreciation of international law, in particular those activities which are of special benefit to persons from developing countries,

Reaffirming its resolutions 2464 (XXIII) of 20 December 1968, 2550 (XXIV) of 12 December 1969, 2838 (XXVI) of 18 December 1971, 3106 (XXVIII) of 12 December 1973, 3502 (XXX) of 15 December 1975, 32/146 of 16 December 1977, 36/108 of 10 December 1981 and 38/129 of 19 December 1983, in which it stated or recalled that in the conduct of the Programme it was desirable to use as far as possible the resources and facilities made available by Member States, international organizations and others, as well as its resolutions 34/144 of 17 December 1979, 40/66 of 11 December 1985, 42/148 of 7 December 1987, 44/28 of 4 December 1989 and 46/50 of 9 December 1991, in which, in addition, it expressed or reaffirmed the hope that, in appointing lecturers for the seminars to be held within the framework of the fellowship programme in international law, account would be taken of the need to secure representation of major legal systems and balance among various geographical regions,

1. Approves the guidelines and recommendations contained in section III of the report of the Secretary-General, 1/ and adopted by the Advisory Committee on the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law, in particular those designed to achieve the best possible results in the administration of the Programme within a policy of maximum financial restraint;

2. Authorizes the Secretary-General to carry out in 1994 and 1995 the activities specified in his report, including the provision of:

(a) A number of international law fellowships both in 1994 and in 1995, to be determined in the light of the overall resources for the Programme of Assistance and to be awarded at the request of Governments of developing countries;

(b) A minimum of one scholarship both in 1994 and in 1995 under the Hamilton Shirley Amerasinghe Memorial Fellowship on the Law of the Sea, subject to the availability of new voluntary contributions made specifically to the fellowship fund;

(c) Subject to the overall resources for the Programme, assistance in the form of a travel grant for one participant from each developing country, who would be invited to possible regional courses to be organized in 1994 and 1995;

and to finance the above activities from provisions in the regular budget, when appropriate, as well as from voluntary financial contributions earmarked for each of the activities concerned, which would be received as a result of the requests set out in paragraphs 14, 15, and 16 below;

3. Expresses its appreciation to the Secretary-General for his constructive efforts to promote training and assistance in international law within the framework of the Programme in 1992 and 1993, in particular for the organization of the twenty-eighth 2/ and twenty-ninth 3/ sessions of the International Law Seminar, held at Geneva from 1 to 19 June 1992 and 1 to 18 June 1993, respectively, and for the activities of the Office of Legal Affairs of the Secretariat related to the fellowship programme in international law and to the Hamilton Shirley Amerasinghe Memorial Fellowship on the Law of the Sea, carried out, respectively, through its Codification Division and its Division for Ocean Affairs and the Law of the Sea;

4. Requests the Secretary-General to consider the possibility of admitting, for participation in the various components of the Programme of Assistance, candidates from countries willing to bear the entire cost of such participation;

5. Also requests the Secretary-General to consider the relative advantages of using available resources and voluntary contributions on regional, subregional or national courses as against courses organized within the United Nations system;

6. Welcomes, in particular, the publication, in a single volume and in all official languages of the Organization, of the summaries of the Judgments, advisory opinions and Orders of the International Court of Justice (1949-1990), carried out through the joint efforts of the Codification Division of the Office of Legal Affairs and its secretariat for the Programme of Assistance and of the Registry of the International Court of Justice;

7. Invites interested States to consider the option of financing the translation and publication of the Judgments of the International Court of Justice;

8. Welcomes the efforts undertaken by the Office of Legal Affairs of the Secretariat to bring up to date the United Nations Treaty Series and the United Nations Juridical Yearbook;

9. Expresses its appreciation to the United Nations Institute for Training and Research for its participation in the Programme through the activities described in the report of the Secretary-General;

2/ See Official Records of the General Assembly, Forty-seventh Session, Supplement No. 10 (A/47/10), chap. V, sect. H.

3/ Ibid., Forty-eighth Session, Supplement No. 10 (A/48/10), chap. VI, sect. E.

10. Also expresses its appreciation to the United Nations Educational, Scientific and Cultural Organization for its participation in the Programme, through the activities described in the report of the Secretary-General;

11. Further expresses its appreciation to the Hague Academy of International Law for the valuable contributions it has made to the Programme by enabling selected candidates under the international law fellowship programme to attend its annual international law courses and by providing facilities for seminars organized under the fellowship programme in international law in conjunction with the Academy courses and for its constructive efforts in organizing the regional training and refresher course held at Harare in 1993;

12. Notes with appreciation the contributions made by the Hague Academy of International Law to the teaching, study, dissemination and wider appreciation of international law, and calls upon Member States and interested organizations to give favourable consideration to the appeal of the Academy for a continuation of and, if possible, an increase in their financial contributions in order to enable the Academy to carry on with the above-mentioned activities, in particular the summer courses, regional courses and programmes of the Centre for Studies and Research in International Law and International Relations;

13. Urges all States and relevant international organizations, whether regional or universal, to make all possible efforts to implement the goals and carry out the activities contemplated in chapter IV of the programme of activities for the second term (1993-1994) of the United Nations Decade of International Law, dealing with the encouragement of the teaching, study, dissemination and wider appreciation of international law and contained in the annex to its resolution 47/32;

14. Requests the Secretary-General to continue to publicize the Programme and periodically to invite Member States, universities, philanthropic foundations and other interested national and international institutions and organizations, as well as individuals, to make voluntary contributions towards the financing of the Programme or otherwise to assist in its implementation and possible expansion;

15. Reiterates its request to Member States and to interested organizations and individuals to make voluntary contributions, inter alia, for the International Law Seminar, for the fellowship programme in international law and for the Hamilton Shirley Amerasinghe Memorial Fellowship on the Law of the Sea, and expresses its appreciation to those Member States, institutions and individuals which have made voluntary contributions for this purpose;

16. Urges in particular all Governments to make voluntary contributions for the organization of regional refresher courses in international law by the United Nations Institute for Training and Research, in particular with a view to covering the amount needed for the financing of the daily subsistence allowance for up to twenty-five participants in each regional course, thus alleviating the burden on prospective host countries and making it possible for the Institute to continue to organize the regional courses;

17. Requests the Secretary-General to report to the General Assembly at its fiftieth session on the implementation of the Programme during 1994 and 1995 and, following consultations with the Advisory Committee on the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law, to submit recommendations regarding the execution of the Programme in subsequent years;

18. Decides to include in the provisional agenda of its fiftieth session the item entitled "United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law".

UNITED NATIONS **A**

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26 November 1993

ORIGINAL: ENGLISH

Forty-eighth session
SIXTH COMMITTEE
Agenda item 146

REPORT OF THE SPECIAL COMMITTEE ON THE CHARTER OF THE UNITED NATIONS AND ON THE STRENGTHENING OF THE ROLE OF THE ORGANIZATION

Australia, Brazil, Canada, Ecuador, Egypt, El Salvador, Finland, Guatemala, Hungary, Morocco, New Zealand, Nigeria, Romania, Spain, the former Yugoslav Republic of Macedonia, Tunisia, Ukraine and Uruguay: draft resolution

Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

The General Assembly,

Recalling its resolution 3499 (XXX) of 15 December 1975, by which it established the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, and its relevant resolutions adopted at subsequent sessions, 1/

Recalling also its resolution 47/233 of 17 August 1993 on the revitalization of the work of the General Assembly,

Recalling further its resolution 47/62 of 11 December 1992 on the question of equitable representation on and increase in the membership of the Security Council,

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1/ Resolutions 31/28 of 29 November 1976, 32/45 of 8 December 1977, 33/94 of 16 December 1978, 34/147 of 17 December 1979, 35/164 of 15 December 1980, 36/122 of 11 December 1981, 37/114 of 16 December 1982, 38/141 of 19 December 1983, 39/88 of 13 December 1984, 40/78 of 11 December 1985, 41/83 of 3 December 1986, 42/157 of 7 December 1987, 43/170 of 9 December 1988, 44/37 of 4 December 1989, 45/44 of 28 November 1990, 46/58 of 9 December 1991 and 47/38 of 25 November 1992.

Bearing in mind the reports of the Secretary-General on the work of the Organization submitted to the General Assembly at its thirty-seventh, 2/ thirty-ninth, 3/, fortieth, 4/ forty-first, 5/ forty-second, 6/ forty-third, 7/ forty-fourth, 8/ forty-fifth, 9/ forty-sixth, 10/ forty-seventh 11/ and forty-eighth 12/ sessions, as well as the views and comments expressed on them by Member States,

Welcoming the report of the Secretary-General of 8 November 1993, 13/

Recalling the elements relevant to the work of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization contained in its resolution 47/120 B of 20 September 1993,

Taking note of the discussions in the Security Council towards strengthening the consultative process in accordance with Article 50 of the Charter with a view to minimizing special economic problems of countries adversely affected as a result of their implementation of preventive or enforcement measures under Chapter VII of the Charter,

Mindful of the desirability of further work being done by the Special Committee in the fields of the maintenance of international peace and security and the peaceful settlement of disputes between States,

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2/ Official Records of the General Assembly, Thirty-seventh Session, Supplement No. 1 (A/37/1).

3/ Ibid., Thirty-ninth Session, Supplement No. 1 (A/39/1).

4/ Ibid., Fortieth Session, Supplement No. 1 (A/40/1).

5/ Ibid., Forty-first Session, Supplement No. 1 (A/41/1).

6/ Ibid., Forty-second Session, Supplement No. 1 (A/42/1).

7/ Ibid., Forty-third Session, Supplement No. 1 (A/43/1).

8/ Ibid., Forty-fourth Session, Supplement No. 1 (A/44/1).

9/ Ibid., Forty-fifth Session, Supplement No. 1 (A/45/1).

10/ Ibid., Forty-sixth Session, Supplement No. 1 (A/46/1).

11/ Ibid., Forty-seventh Session, Supplement No. 1 (A/47/1).

12/ Ibid., Forty-eighth Session, Supplement No. 1 (A/48/1).

13/ A/48/573-S/26705.

Bearing in mind various proposals submitted to the General Assembly at its forty-eighth session aimed at strengthening the role of the Organization and enhancing its effectiveness,

Having considered the report of the Special Committee on the work of its session held in 1993, 14/

1. Takes note of the report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization; 14/

2. Decides that the Special Committee will hold its next session from 7 to 25 March 1994;

3. Requests the Special Committee, at its session in 1994, in accordance with the provisions of paragraph 4 below:

(a) To accord appropriate time for the consideration of all proposals concerning the question of the maintenance of international peace and security in all its aspects in order to strengthen the role of the United Nations and, in this context:

(i) To consider on a priority basis proposals on the implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter;

(ii) To continue its consideration, also on a priority basis, of the proposal on the enhancement of cooperation between the United Nations and regional organizations;

(iii) To consider other specific proposals relating to the maintenance of international peace and security already submitted to the Special Committee or which might be submitted to the Special Committee at its session in 1994, including the proposal on the strengthening of the role of the Organization and enhancement of its efficiency and the revised proposal submitted with a view to enhancing the effectiveness of the Security Council in regard to the maintenance of international peace and security;

(b) To continue its work on the question of the peaceful settlement of disputes between States and in this context:

(i) To continue its consideration of the proposal on United Nations rules for the conciliation of disputes between States;

14/ Official Records of the General Assembly, Forty-eighth Session, Supplement No. 33 (A/48/33).

(ii) To continue its consideration of other specific proposals relating to the peaceful settlement of disputes between States, in particular those relating to the enhancement of the role of the International Court of Justice;

4. Also requests the Special Committee to be mindful of the importance of reaching general agreement whenever that has significance for the outcome of its work;

5. Decides that the Special Committee shall continue to accept the participation of observers of Member States in its meetings, including those of its working group, and also decides that the Special Committee shall be authorized to invite other States or intergovernmental organizations to participate in the debate in plenary meetings of the Special Committee on specific items where it considers that such participation would assist in its work;

6. Invites the Special Committee at its session in 1994 to initiate a review of its membership and to consider various proposals regarding this membership;

7. Requests the Special Committee to submit a report on its work to the General Assembly at its forty-ninth session;

8. Decides to include in the provisional agenda of its forty-ninth session the item entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization".

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SIXTH COMMITTEE
Agenda item 141

REVIEW OF THE PROCEDURE PROVIDED FOR UNDER ARTICLE 11 OF THE STATUTE OF THE ADMINISTRATIVE TRIBUNAL OF THE UNITED NATIONS

Australia, Benin, France and Ireland: draft decision

Review of the procedure provided for under article 11 of the statute of the Administrative Tribunal of the United Nations

The General Assembly

(a) Requests the Secretary-General to carry out a review of the procedure provided for under article 11 of the Statute of the Administrative Tribunal of the United Nations, taking into account the views expressed during the forty-eighth session of the General Assembly and any further views which States may submit, and to report thereon to the General Assembly at its forty-ninth session, either as part of the report requested by resolution 47/226 or separately;

(b) Decides to include in the provisional agenda of its forty-ninth session the item entitled "Review of the procedure provided for under article 11 of the Statute of the Administrative Tribunal of the United Nations".

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SIXTH COMMITTEE
Agenda item 142

UNITED NATIONS DECADE OF INTERNATIONAL LAW

Programme budget implications of draft resolution A/C.6/48/L.16

Statement submitted by the Secretary-General in accordance with rule 153 of the rules of procedure of the General Assembly

A. Requests contained in the draft resolution

1. Under the terms of operative paragraph 10 of draft resolution A/C.6/48/L.16, the General Assembly would decide that a United Nations congress on public international law be held in 1995, as proposed in part III of the report of the Working Group on the United Nations Decade of International Law 1/ and request the Secretary-General to proceed with the preparations for the congress and keep the Member States informed of the status of the preparations.

B. Relationship of requests to the proposed programme of work

2. The proposed activity relates to subprogramme 3, Progressive development and codification in international law, under programme 9, International law, in section 7, Legal activities, of the proposed programme budget for 1994-1995. 2/

C. Activities by which the requests would be implemented

3. Should the General Assembly adopt the draft resolution, the Secretary-General would convene a congress on public international law of one-week duration in 1995. The Secretary-General would proceed with the preparations for the congress and keep the Member States informed of the status of the preparations.

D. Modifications in the proposed programme of work for the biennium 1994-1995

4. Should the General Assembly approve the requests contained in the draft resolution, the following addition would have to be made in the citation of activities in section 7, Legal activities, under programme 9, International law, subprogramme 3, Progressive development and codification of international law, activity 1, International cooperation, which should now read:

> "External relations: organization in 1995 of a congress on public international law in the framework of the United Nations Decade of International Law; coordination, in accordance with paragraph 4 of General Assembly resolution 47/31 of 25 November 1992, of activities undertaken in the framework of the United Nations Decade of International Law by international organizations working in the field of international law."

E. Additional requirements

5. Should the General Assembly adopt the draft resolution, it would not involve additional requirements during the biennium 1994-1995. As specified in part III of the report of the Working Group, "the congress should be held within existing resources and be assisted by voluntary contributions." 3/ In accordance with paragraph 32 of the same report, it was agreed that the congress would be convened at United Nations Headquarters in New York in 1995, and that the duration of the congress would be five working days, with two plenary meetings each day. It is assumed that interpretation and translation services would be required in Arabic, Chinese, English, French, Russian and Spanish. It is also assumed that there would be 10 pages of pre-session documentation, 10 pages of in-session documentation and 35 pages of post-session documentation.

6. The extent to which the Organization's permanent conference-servicing capacity would need to be supplemented by temporary assistance resources can be determined only in the light of the calendar of conference for 1994-1995. However, provisions are made under section 25 E of the proposed programme budget for 1994-1995, not only for meetings programmed at the time of budget preparation but also for meetings that would be authorized subsequently, provided that the number and distribution of meetings and conferences are consistent with the pattern of meetings in past years. Consequently, should the General Assembly adopt the draft resolution, no additional appropriation would be required under section 25 E of the proposed programme budget for the biennium 1994-1995.

F. Summary

7. Should the General Assembly adopt draft resolution A/C.6/48/L.16, no additional appropriations would be required under section 7 or 25 of the proposed programme budget for 1994-1995.

Notes

1/ A/C.6/48/L.9.

2/ A/48/6 (Sect. 7).

3/ A/C.6/48/L.9, para. 34.

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Agenda item 140

MEASURES TO ELIMINATE INTERNATIONAL TERRORISM

Draft decision proposed by the Chairman of the Sixth Committee

The General Assembly,

Having considered the agenda item entitled "Measures to eliminate international terrorism",

Requests the Secretary-General to seek the views of Member States on the proposals submitted by Governments contained in his report 1/ or made during the debate on this item at its forty-eighth session in the Sixth Committee or contained in resolution 46/51, on practical measures to eliminate acts of terrorism, on ways and means of enhancing the role of the United Nations and the relevant Specialized Agencies in combating international terrorism, and on ways to consider this question within the Sixth Committee,

Decides to include in the provisional agenda of its forty-ninth session the item entitled "Measures to eliminate international terrorism", without prejudice to the question whether the item will thereafter be considered annually or biennially.

1/ A/48/267 and Corr.1 (English only) and Add.1.